

libelous publication were true, and that its falsity was due to mistake or misapprehension of the facts, and that in the next regular issue of said newspaper or periodical after such mistake or misapprehension was brought to the knowledge of the publisher or publishers thereof, a correction or retraction was published in as conspicuous a manner and place in said newspaper or periodical as was the libel.

Sec. 3. The publication of the following matters by any newspaper or periodical, as defined in Section 1, shall be deemed privileged, and shall not be made the basis of any action for libel without proof of actual malice:

First. A fair and true report of any executive, judicial, legislative, constabulary, police or other official proceedings or action, or anything said or done in the course thereof.

(Second. A fair and true report of public meetings.

Third. Reasonable and fair comment and criticism upon matters of public concern, and the official acts of public officials, published for general information.

Sec. 4. On the trial of any such action for libel the defendant may give in evidence, under the general issue, in mitigation of damages, the circumstances and intention under which such publication was made, and any public apology, correction or retraction of the libel complained of made and published by him.

Sec. 5. This act shall not effect, alter or repeal the Penal Code or laws of this State in cases of libel.

Sec. 6. The fact that there is now no law in this State defining libel and privileged publications creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

EXPLANATION.

Senate bill No. 25 was introduced January 11, read first time, and referred to Judiciary Committee No. 1, and

January 17 was reported back to the Senate with majority favorable and minority unfavorable committee reports.

January 23, bill was read second time, and amendment offered by Senator Staples (see Journal, January 23), and bill and amendment were laid on the table subject to call.

January 29, called up and postponed until January 31, and made special order for after the morning call.

January 31, taken up, amended, going over by reason of adjournment until

February 1, when consideration was resumed, the bill further amended, and postponed for special order February 5, 11:30 o'clock a. m.

EIGHTEENTH DAY.

Senate Chamber,

Austin, Tex., Tuesday, Feb. 5, 1901.

Senate met pursuant to adjournment. Lieutenant-Governor Browning in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Present—29.

Beaty.	Neal.
Davidson of	Patterson.
DeWitt.	Paulus.
Davidson of	Potter.
Galveston.	Savage.
Dibrell.	Sebastian.
Goss.	Stafford.
Grinnan.	Staples.
Hanger.	Swann.
Harris of Bexar.	Turner.
Harris of Hunt.	Turney.
James.	Wayland.
Johnson.	Wheeler.
Lipscomb.	Wilson.
McGee.	Yett.
Miller.	

Absent—2.

Lloyd.	Odell.
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Prayer by the Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of last Friday,

On motion of Senator Turner, the same was dispensed with.

PETITIONS AND MEMORIALS.

Senator Harris of Hunt presented a petition from citizens of Celeste, Texas, praying for an amendment to the present local option law, so that shipments of liquors by express shall become bona fide sales upon delivery.

Read, and referred to Judiciary Committee No. 2.

Senator Miller presented a petition from teachers of Rockwall county, asking the passage of a bill relieving from further examination those teachers who have held certificates of competency for fifteen years.

Read, and referred to Committee on Education.

The Chair laid before the Senate petitions from the citizens of Austin; from

Woman's Christian Temperance Unions of Houston, of Abbott, of Odessa, of Royce City, Rockwall county, and from the Mid-Year Executive Committee of the Woman's Christian Temperance Union of Texas, praying for an amendment to the local option law so that shipments of liquors by express may be legally considered bona fide sales of such upon delivery.

Petitions were read, and referred to Committee on State Affairs.

Senator Neal presented a memorial from the members of the bar of Walker county, asking the Legislature to pass a law changing the Court of Civil Appeals of the First District from Galveston to Houston.

Read, and referred to Committee on Judicial Districts.

Senator Grinnan presented a memorial from the citizens of Dublin, Texas, asking the adoption of an amendment to the local option law that shipments of liquor by express may be considered bona fide sales of such upon delivery.

Read, and referred to Committee on State Affairs.

The Chair had read the following communication:

Austin, Texas, February 2, 1901.

Hon. J. N. Browning, President of the Senate, Austin, Texas.

DEAR SIR: I beg to hand you the attached resolution, passed by the State directory of the Travelers' Protective Association at its meeting tonight, and would ask that it be read before your honorable body:

"Whereas, The Texas Division of the Travelers' Protective Association of America, did, at its Victoria session, unanimously pass a resolution asking the Legislature of Texas to pass a just, equitable and comprehensive libel law; and,

"Whereas, Such a bill, introduced by Senator Staples, is now pending before the Legislature; therefore, be it

"Resolved, That we, the State directors of the T. P. A., in regular session, do hereby reaffirm the resolution adopted by the Victoria convention, and request the Legislature of Texas to pass such a measure."

The resolution was adopted unanimously.

Respectfully,

JAS. E. LUDLOW,
Secretary.
D. W. MICHAUX,
President.

Senator Lipscomb presented memorials from members of the bar of Center, Texas; Woodville, Texas; Orange, Texas;

and Richmond, Texas, asking that the Court of Civil Appeals be transferred from Galveston to Houston.

Read, and referred to Committee on Judicial Districts.

BILLS AND RESOLUTIONS.

By Senator Yett:

Senate bill No. 144, A bill to be entitled "An Act to reorganize the Twenty-seventh, Thirty-third and Thirty-fifth Judicial Districts; to name the counties composing the same; to fix the times of holding courts therein; to provide for the extension and return of process issued out of said courts, and to repeal all laws and parts of laws in conflict therewith."

Read first time, and referred to Committee on Judicial Districts.

By Senator Potter:

Senate bill No. 145, A bill to be entitled "An Act to amend Article 290 of the Penal Code of the State of Texas, to further define 'barratry' so as to include the formenting of litigation by attorneys at law by soliciting employment or advancing money or other things of value to the parties to litigation in order to procure employment."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Savage:

Senate bill No. 146, A bill to be entitled "An Act to amend Article 4833, of Title XCVIII, Chapter 2, of the Revised Civil Statutes of Texas, relating to salaries of officers, and to repeal all laws and parts of laws in conflict therewith."

Read first time, and referred to Committee on Finance.

By Senator Turner:

Senate bill No. 147, A bill to be entitled "An Act to exempt the county of Aransas from the operation of Articles 5002 and 5042, both inclusive, of Chapter 6, Title CII, of the Revised Civil Statutes of 1895, relating to the inspection of hides and animals."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Turner:

Senate bill No. 148, A bill to be entitled "An Act to amend Article 5364, Title CXI, of the Revised Civil Statutes of 1895, relating to the 'wool growing interests' of the State, so as to exclude the counties of Aransas and Calhoun from the counties exempted from the operations of said title, and to repeal all laws in conflict herewith, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Lipscomb:

Senate bill No. 149, A bill to be entitled "An Act to amend Section 1, of Article 993, Chapter 12, Title XXVII, of the Revised Civil Statutes of the State of Texas; changing the place of holding the Court of Civil Appeals for the First Supreme Judicial District from Galveston, Galveston county, Texas, to Houston, Harris county, Texas."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Wheeler:

Senate bill No. 150, A bill to be entitled "An Act to amend Article 406, Title XI, of the Penal Code of the State of Texas, relating to 'blind tigers.'"

Read first time, and referred to Judiciary Committee No. 2.

By Senator Wheeler:

Senate bill No. 151, A bill to be entitled "An Act to give the board of aldermen of any town or village incorporated under the provisions of Chapter 2, Title XVIII, of the Revised Civil Statutes of the State of Texas, power to designate one of their number, who shall be authorized and empowered to perform any and all the duties of the mayor during the absence or inability of the mayor, and to perform such duties during any temporary vacancy in said office."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Davidson of Galveston:

Senate bill No. 152, A bill to be entitled "An Act to aid the city of Galveston in elevating and raising said city so as to protect it from calamitous overflow by donating and granting to it the State ad valorem, occupation and poll taxes collected upon property and from persons in said city for a period of fifteen years, and to provide a penalty for their misappropriation."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Davidson of Galveston:

Senate bill No. 153, A bill to be entitled "An Act authorizing owners of land to drain the same in the general course of natural drainage, and exempting them from liability for any damages occasioned by such drainage, and declaring an emergency."

Read first time, and referred to Committee on Counties and County Boundaries.

By Senators Miller and Hanger:

Senate bill No. 154, A bill to be entitled "An Act amending Articles 4308, 4309, 4310, 4311, 4312, 4314, 4315 and 4316, of Title XC, passed in 1899, providing for the appointment and election of pub-

lic weighers, defining their duties and providing fees and penalties."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Hanger:

Senate bill No. 155, A bill to be entitled "An Act to provide for the appointment and qualification of an auditor for each of the counties of Texas, and for his removal therefrom for cause, and prescribing his powers and duties as such, and fixing a penalty for wilfully making a false or fraudulent report as such, and providing for the compensation of such auditor, and providing further, making this act cumulative of all laws of this State on the subject of county finances when not in conflict therewith, and in case of conflict, this act to control, and declaring an emergency."

Read first time, and referred to Committee on State Affairs.

By Senator Wheeler--(by request):

Senate bill No. 156, A bill to be entitled "An Act to quiet the titles to lands in persons holding under patents issued by the State of Texas in good faith which, in fact, belong to the public free school fund."

Read first time, and referred to Committee on Land and Land Office.

By Senator Swann:

Senate bill No. 157, A bill to be entitled "An Act to change and fix the times for holding the courts in the Fifty-fourth Judicial District of the State of Texas, and to repeal all laws and parts of laws in conflict therewith."

Read first time, and referred to Committee on Judicial Districts.

By Senator Paulus:

Senate bill No. 158, A bill to be entitled "An Act to refund to Q. F. Walker the amount of money erroneously paid by him on the purchase of certain lands, and to make an appropriation therefor."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Turner:

Senate bill No. 159, A bill to be entitled "An Act to regulate proceedings in the district court on appeal from the county court contesting the probation of last wills and testaments."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Lipscomb:

Senate bill No. 160, A bill to be entitled "An Act to amend Article 642, of the Revised Civil Statutes, regarding the purposes for which private corporations may be created so as to authorize the organization of fruit and vegetable companies."

Read first time, and referred to Committee on Agricultural Affairs.

By Senator Harris of Bexar:
Senate Concurrent Resolution No. 6, To provide for an exhibit from the State of Texas at the St. Louis Exposition and World's Fair in 1903, and appropriating the sum of \$50,000 therefor.

Read first time, and referred to Committee on State Affairs.

By Senator Turner:
Senate Joint Resolution No. 7, To amend Section 9, of Article 8, of the Constitution, relating to taxation and revenue.

Read first time, and referred to Committee on Constitutional Amendments.

The Chair declared the morning call concluded.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, February 5, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: I am instructed by the House to inform the Senate that the House has passed the following bills:

Substitute House bill No. 102, A bill to be entitled "An Act to amend Sections 7 and 8 of 'An Act to provide for the location and building of a branch asylum for the care and treatment of the epileptic insane of the State, and to make an appropriation therefor,' passed by the Twenty-sixth Legislature of the State of Texas, and approved February 9, 1899, and to repeal an Act of the First Called Session of the Twenty-sixth Legislature on the same subject, approved February 20, 1900, and all other laws in conflict herewith."

Also Substitute House bill No. 7, A bill to be entitled "An Act to regulate and define the fees of the clerks of the district courts of the State of Texas in civil cases, and fix the fees for transferring misdemeanor indictments to inferior courts."

Respectfully,
LEE J. ROUNTREE,
Chief Clerk House of Representatives.

IN THE SENATE.

The foregoing House bills were read and referred as follows:

Substitute House bill No. 102 to Committee on State Asylums.

Substitute House bill No. 7 to Judiciary Committee No. 1.

FIRST EXECUTIVE MESSAGE.

EXECUTIVE OFFICE,
STATE OF TEXAS.
Austin, February 5, 1901.

To the Senate:

The advice and consent of the Senate is requested to the following appointments as directors of the Agricultural and Mechanical College of Texas:

M. Sansom, of Johnson county.
F. A. Reichardt, of Harris county.
J. W. Kokernot, of Bexar county.
P. H. Tobin, of Grayson county.
A. C. Oliver, of Cass county.
A. P. Smyth, of Limestone county.
William Malone, of Comal county.

JOSEPH D. SAYERS,
Governor.

TIME SET FOR EXECUTIVE SESSION.

On motion of Senator Hanger, the hour of 11 o'clock a. m., February 7, 1901, was designated as the time for the Senate to go into executive session for the purpose of considering the foregoing appointments.

SENATE BILLS ON SECOND READING—SENATE BILL NO. 91.

On motion of Senator Davidson of De Witt, pending business (Senate bill No. 70) was suspended, and the Senate took up, out of its order,

Senate bill No. 91, A bill to be entitled "An Act to amend Article 1316, Chapter 12, Title XXIX, of the Revised Civil Statutes of the State of Texas, relating to charges and instructions to juries."

The Chair then laid the bill before the Senate, on its second reading.

Bill was read second time, and ordered engrossed.

SENATE BILL CALLED UP—SENATE BILL NO. 6.

Senator Turner called up from the table

Senate bill No. 6, A bill to be entitled "An Act to amend Article 966, of Chapter 2, of Title XVIII, of the Penal Code of the State of Texas, relating to threats and to the sending of unlawful communications."

The Chair laid the bill before the Senate, on its engrossment.

Senator Potter offered the following amendment:

"Amend by striking out in line 26, Section 1, printed bill, the words 'or improper.'"

Amendment was read, and adopted.

Senator Turner offered the following amendment:

"Amend by striking out the word 'habitually,' in line 23, page 1, of the bill."

Amendment was read, and adopted.

Senator Dibrell offered the following amendment:

"Amend the bill by striking out, in lines 23 and 24, Section 1, of the bill, the following: 'verbally or by telephone or.'"

Amendment was read, and lost.

Senator Goss offered the following amendment:

"Amend by striking out the word 'five,' in line 32, page 1, of printed bill, and inserting the word 'one.'"

Amendment was read, and adopted.

Senator Turner offered the following amendment:

"Amend by inserting in line 26, after the word 'illegal,' the word 'or.'"

Amendment was read, and adopted.

Bill was then ordered engrossed.

PRIVILEGED COMMUNICATION.

The Chair laid before the Senate and had read the following privileged communication:

ALBANY, N. Y., February 2, 1901.

Hon. J. N. Browning, President of the Senate; Hon. R. E. Prince, Speaker of the House, Austin, Texas.

GENTLEMEN: I am in receipt of your telegram of a recent date informing me of the passage of a concurrent resolution by the Legislature of Texas inviting me to address that body on the political topics of the day at such time as may suit my convenience during its present session.

Please express to the Legislature my sincere thanks for the very great honor conferred in the invitation so courteously tendered, which I very much appreciate. Nothing would give me more pleasure than to personally meet the honored legislative representatives of your great State at its capital, but I regret that my professional engagements during the next three months are such that I cannot well leave here. I trust, however, that at some future time I may have the privilege of visiting Texas and making the acquaintance of your people, about whom I have read and heard so much.

In conclusion, permit me to express the hope that when normal political conditions shall be restored in the country—an event which cannot long be postponed—New York and Texas will be found again together in successful opposition to radicalism, plutocracy and centralization, and in favor of conservatism,

popular rights and constitutional liberty. I remain,

Your fellow citizen,

DAVID B. HILL.

HOUSE AMENDMENTS CONCURRED IN—SENATE BILL NO. 11.

Senator Hanger called up, with pending House amendments,

Senate bill No. 11, A bill to be entitled "An Act to provide for the organization of private corporations, traction companies, for the purpose of constructing, acquiring, maintaining and operating electric inter-urban roads between and connecting different cities, towns and villages, and into, through and over public streets of the different cities, towns and villages reached by same, and to furnish light and power to consumers; to provide the manner and method of organizing said corporations; to prescribe the rights, powers, privileges and duties of said corporations; to authorize said corporations to construct, acquire, operate and maintain such electric roads, own, use and occupy lands, easements, buildings and structures; to empower such corporations to condemn lands and other property for the use and purposes of such corporations, and to provide the method therefor; to issue stock and bonds and to borrow money, and to mortgage its franchise and property."

Senator Hanger moved the following House amendments be concurred in:

"Amend by adding to Section 3 the following: 'Provided further, that nothing in this act shall be construed to authorize the construction of any road upon or across any street, alley, square or highway of any incorporated city or town without the assent of the municipal authority of such city or town.'—Adopted January 24, 1901.

"Amend Section 5 by adding the following: 'Provided, that such companies shall not have the right to charge more than five cents for transportation of passengers within city limits.'

"Amend committee amendment by adding thereto the following words: 'Or to purchase or lease any street railway in any incorporated city or town without the assent of the municipal authorities.'

"Amend by adding after the word 'construction,' in line 22, page 4, the words 'and operation.'

"Amend Section 5, line 20, by inserting after the word 'parties' the following: 'Provided, that in the acquisition of suburban railways or franchises the obligations, bonds, mortgages or other indebtedness incurred or to be incurred in the acquisition thereof, as provided

herein, shall be subject to all the limitations and restrictions in Section 4 of this act.'"

Amendments were read, and adopted by the following vote:

Yeas—24.

Beaty.	Neal.
Davidson of	Paulus.
DeWitt.	Potter.
Davidson of	Savage.
Galveston.	Sebastian.
Dibrell.	Stafford.
Goss.	Staples.
Grinnan.	Turner.
Hanger.	Turney.
Harris of Hunt.	Wayland.
James.	Wheeler.
Lipscomb.	Wilson.
Miller.	Yett.

Absent.

Harris of Bexar.	Odell.
Johnson.	Patterson.
Lloyd.	Swann.
McGee.	

SENATE BILL CALLED UP—SENATE BILL NO. 62.

Senator Miller called up from the table, with favorable majority and adverse minority committee reports,

Senate bill No. 62, A bill to be entitled "An Act fixing the venue in suits upon written contracts."

The Chair laid the bill before the Senate, on its engrossment, and

Senator Hanger moved to substitute the minority for the majority report.

FIRST SPECIAL ORDER—SENATE BILL NO. 70.

Pending further consideration on the motion of Senator Hanger on Senate bill No. 62,

The Chair announced the arrival of the hour of 11 o'clock a. m., the time set for the consideration of the special order of business, Senate bill No. 70, and thereupon laid before the Senate, on its engrossment,

Senate bill No. 70, A bill to be entitled "An Act to validate the titles to certain lands located and patented in Carson, Dallam and Hutchinson counties, since July 14, 1879."

(President Pro Tem. Miller in the chair.)

Senator Savage offered the following amendment:

"Amend by adding after the word 'validated,' in line 5, page 2, the following: 'Provided, that all locations made of lands made by virtue of said land certificates on lands situated in the counties

of Hutchinson, Carson and Dallam, previous to the official opinion of the Attorney General rendered August 17, 1880, are hereby declared void and this act shall never be construed to in any way validate said locations, or patents issued thereon.'"

(Lieutenant-Governor Browning in the chair.)

Pending action on the amendment offered by Senator Savage, the bill and amendment, on motion of Senator Potter, were tabled subject to call.

SECOND SPECIAL ORDER—EXECUTIVE SESSION.

The Chair announced, that the first special order of business having been removed, the second special order of business was an executive session to act on the appointments of the Governor (see Journal of February 1st).

On motion of Senator Hanger, action on the appointments was deferred until next Thursday morning, February 7, 1901, 11 o'clock a. m.

SENATE BILLS ON THIRD READING—SENATE BILL NO. 110.

On motion of Senator Patterson, the special order of business, Senate bill No. 25 (libel bill), was suspended and the Senate took up, out of its order,

Senate bill No. 110, A bill to be entitled "An Act authorizing an association or private corporation, incorporated for school purposes, to sell or donate the property owned by said association or corporation to the trustees of the public free school in the community or district in which said property is situated, and prescribing the mode of conveying the same."

The Chair then laid the bill before the Senate, on its third reading.

Bill was read third time, and passed by the following vote:

Yeas—28.

Beaty.	Patterson.
Davidson of	Paulus.
Galveston.	Potter.
Dibrell.	Savage.
Goss.	Sebastian.
Grinnan.	Stafford.
Hanger.	Staples.
Harris of Bexar.	Swann.
Harris of Hunt.	Turner.
James.	Turney.
Johnson.	Wayland.
Lipscomb.	Wheeler.
McGee.	Wilson.
Miller.	Yett.
Neal.	

Absent.

Davidson of Lloyd.
DeWitt. Odell.

COMMITTEE REPORTS.

By unanimous consent, the following committee reports were made to the Senate:

Committee Room,
Austin, Texas, February 5, 1901.
Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Finance, to whom was referred

Senate bill No. 129, being a bill to be entitled "An Act to appropriate forty thousand dollars for the purpose of building a girls' dormitory at the Agricultural and Mechanical College,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

DIBRELL, Chairman.

Committee Room,
Austin, Texas, February 1, 1901.
Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 76, being a bill to be entitled "An Act to restore and confer upon the county court of Stonewall county the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and general statutes of Texas; to define the jurisdiction of said court; to conform the jurisdiction of the district court to such change; to fix the time of holding court, and to repeal all laws in conflict with this act,"

And find the same correctly enrolled, and have this day, at 12:15 o'clock p. m., presented the same to the Governor for his approval.

WILSON, Chairman.

Committee Room,
Austin, Texas, February 1, 1901.
Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 34, being a bill to be entitled "An Act to appropriate the sum of \$225 for the use of the General Land Office to purchase stamps to enable said office to conduct business for the remainder of the year ending February 28, 1901,"

And find the same correctly enrolled, and have this day, at 12:15 o'clock p. m., presented the same to the Governor for his approval.

WILSON, Chairman.

THIRD SPECIAL ORDER—SENATE BILL NO. 25 (LIBEL BILL).

The Chair announced the removal of the second special order of business, and laid before the Senate, with pending amendment, Senate bill No. 25 (Libel Bill—see last page of Journal, February 1).

Action recurring on the amendment offered by Senator Staples, which presented a new bill after the enacting clause, and which was subsequently amended,

Senator Savage offered the following substitute to the amendment as amended:

"Section 1. That a libel is a malicious defamation expressed in print or writing or by signs and pictures or drawings, tending to blacken the memory of the dead, with an intention to provoke the living or to injure the reputation of one who is alive, and thereby expose him to public hatred, contempt or ridicule, or financial injury or to impeach the honesty, integrity or virtue or reputation of any one, or to publish the natural defects of one who is alive and thereby expose such person to public hatred, ridicule or financial injury.

"Sec. 2. In any action for damages brought for the publication of a libel in any newspaper or periodical devoted to the publication of general news, science, literature or any character of reading matter, the plaintiff shall recover only such actual damages as may be shown to have been suffered by him because thereof; provided, the alleged libelous statements published in said newspaper or periodical are the truth, and it can be shown that no malice existed.

"Sec. 3. The publication of the following matters by any newspaper or periodical, as defined in Section 1, shall be deemed privileged:

"First. A fair and true report of any executive, judicial, legislative, constabulary, police or other official proceedings or actions, or anything said or done in the course thereof.

"Second. A fair and true report of public meetings.

"Third. Reasonable and fair comment and criticism upon matters of public concern, and the official acts of public officials, published for general information.

"Sec. 4. On the trial of any such action for libel the defendant may give in

evidence, under the general issue in mitigation of damages, the circumstances and intentions under which such publication was made, and any public apology, correction or retraction of the libel complained of made and published by him.

"Sec. 5. The fact that there is now no law in this State defining libel and privileged publications creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted."

Pending further consideration of the foregoing,

Senator Miller moved that the Senate recess until 2:30 o'clock p. m., and

Senator Turney moved that the Senate adjourn until 10 o'clock a. m. tomorrow.

Action being on the longest time first, the Senate accordingly, at 12:35 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

NINETEENTH DAY.

Senate Chamber,
Austin, Tex., Wednesday, Feb. 6, 1901.

Senate met pursuant to adjournment.
Lieutenant-Governor Browning in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Present—27.

Beaty.	Patterson.
Davidson of	Paulus.
Galveston.	Potter.
Dibrell.	Savage.
Grinnan.	Sebastian.
Hanger.	Stafford.
Harris of Bexar.	Staples.
Harris of Hunt.	Swann.
James.	Turner.
Johnson.	Turney.
Lipscomb.	Wayland.
McGee.	Wheeler.
Miller.	Wilson.
Neal.	Yett.

Absent—4.

Davidson of	Lloyd.
DeWitt.	Odell.
Goss.	

Prayer by the Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of yesterday,

On motion of Senator Wayland, the same was dispensed with.

EXCUSED.

On motion of Senator Savage, Senator Lloyd was excused for non-attendance yesterday and from attendance today upon the Senate, on account of important business.

On motion of Senator Staples, Senator Goss was excused from attendance upon the Senate until Tuesday morning, February 12th, on account of important business.

PETITIONS AND MEMORIALS.

Senator Yett presented a petition from citizens of Bertram, Texas, asking that the local option law be amended so that shipments of liquors by express into local option districts be legally regarded as a bona fide sale of such.

Read, and referred to Committee on State Affairs.

COMMITTEE REPORTS.

The following committee reports were made to the Senate:

Committee Room,
Austin, Texas, February 6, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 66, being a bill to be entitled "An Act to prescribe a punishment for sheriffs who shall appoint more deputies than are provided for by law,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

TURNEY, Chairman.

Committee Room,
Austin, Texas, February 6, 1901.

Hon. J. N. Browning, President of the Senate.

SIR: Your Judiciary Committee No. 2, to whom was referred

House bill No. 11, being a bill to be entitled "An Act to amend Articles 379 and 381, Chapter 3, Title XI, of the Penal Code of the State of Texas,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass* with the following amendment:

"Amend by inserting between the words 'cards' and 'he,' in Article 379, the following: 'Except in a private residence.'"

TURNEY, Chairman.